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## THE MEGARIAN DECREES

BY ROBERT J. BONNER

The earlier discussions of the Megarian decrees were confined mainly to the question of their date, number, and authorship. The results of these investigations have been conveniently summarized by Busolt<sup>1</sup> whose conservative conclusions regarding the questions at issue have been generally accepted. More recently the recognition of the importance of economic factors in ancient history has aroused fresh interest in the commercial policy of Athens as a contributing cause of the Peloponnesian War.<sup>2</sup> In the main Busolt's verdicts are sound, but in two instances he has accepted views not warranted by the available evidence.

The period during which the decrees could have been in operation falls into three divisions, beginning respectively with the secession of Megara in 446, Athenian intervention in Corcyra in 433, and the opening of the Peloponnesian War in 431. No ancient source definitely records any steps taken by Athens to put economic pressure upon Megara during the first period. Duncker<sup>3</sup> was the first to suggest that Aristophanes refers to this period in *Acharnians* 515-23:

ἡμῶν γὰρ ἄνδρες, οὐχὶ τὴν πόλιν λέγω,  
μέμνησθε τοῦθ', ὅτι οὐχὶ τὴν πόλιν λέγω,  
ἀλλ' ἀνδράρια μοχθηρά, παρακεκομμένα,  
ἄτιμα καὶ παράσημα καὶ παράξενα,  
ἐστυκοφάντει Μεγαρέων τὰ χλανίσκια·  
κεῖ που σίκυον ἴδοιεν ἢ λαγῶδιον  
ἢ χοιρίδιον ἢ σκόροδον ἢ χόνδρους ἄλλας,  
ταῦτ' ἦν Μεγαρικά κάππεπρατ' αὐθήμερόν  
καὶ ταῦτα μὲν δὴ συμκρά κάπιχώρια.

<sup>1</sup> *Griechische Geschichte*, III (1904), 2, p. 811; Thieme (*Quaestionum comicarum ad Periclem pertinentium capita tria* [1908], pp. 30 ff.) gives a fuller bibliography.

<sup>2</sup> Cf. Cornford, *Thucydides Mythistoricus* (1907); Grundy, *Thucydides and His History* (1911); Ferguson, "Economic Causes of Wars in Ancient Greece," *The Military Historian and Economist*, I (1916), 141-52. Hugo Grotius (*Mare liberum* [1609]) regarded the Megarian legislation as the cause of the war.

<sup>3</sup> *Geschichte des Alterthums*, IX, 329, 350.

Two different explanations of the situation pictured by Aristophanes have been advanced. Klett,<sup>1</sup> developing Duncker's suggestion, argues that immediately after the secession the Megarians were excluded from the Attic market; the exclusion from the harbors of the empire occurred in the second period. Busolt accepts this view with a slight modification as to the time. Instead of "immediately after the events of 446" he puts the exclusion from the Attic market "some time before the summer of 433." This view has been generally accepted by recent editors of the *Acharnians*. Others see only a stringent enforcement of the regular customs laws in the hostile spirit engendered by the Megarian defection.

The references to this period found in Thucydides are not of much assistance in deciding between these rival views. The Corinthian who appeared before the Athenian assembly in July, 433, to urge them to reject the proffered Corcyraean alliance, must have had in mind Athenian policy toward Megara during this period when he says: "It would be, rather, the prudent course to remove something of the suspicion (*ὑποψία*) which has heretofore existed on account of the Megarians" (i. 42. 2). Perhaps also the *ἑτερα οὐκ ὀλίγα διάφορα* (i. 67. 4) mentioned by the Megarians at the first Spartan congress may include grievances growing out of Athenian commercial policy toward Megara. *ὑποψία* would seem to be too mild a term even for Corinthians to use if the Megarians had actually been excluded from the Athenian market by discriminatory legislation. But the Corinthians speak softly, for they are asking a favor. On the other hand, however, why should Corinth take umbrage at the strict enforcement of the regular Athenian customs laws? The answer lies ready to hand in Thucydides' narrative. When Megara joined the Athenian confederacy in 459, Thucydides remarks: "It was chiefly on this account that the vehement hatred of the Corinthians for the Athenians first arose." The Corinthian speaker at the first Spartan congress says: "We know too by what methods the Athenians move against their neighbors—that it is here a little and there a little" (i. 69. 3). Being in this frame of mind, it is not impossible that the Corinthians should have viewed with grave concern the

<sup>1</sup> "Das megarische Psephisma," *Korrespondenzblatt für die Schulen Württembergs*, XXXVIII, 357 ff.

harsh and vexatious enforcement of the customs regulations lest the Megarians might be induced again to desert the Peloponnesian confederacy in order to have fair, if not favored, treatment in such a convenient market. While the Corinthian attitude is more intelligible if there was an embargo upon Megarian trade with Athens, it is still not incompatible with the other theory.

Against the embargo theory there are several arguments that are not to be lightly rejected. Aristophanes expressly urges that the city is not to be blamed for the state of affairs he has described, but certain despicable persons, sycophants such as he brings upon the stage in a subsequent scene.<sup>1</sup> This would seem to imply very clearly that there was no legislative enactment regarding Megarian trade.<sup>2</sup> To the same effect is the statement that, bad as the situation was, it was just what one might expect in Athens (ἐπιχώρια)<sup>3</sup> and trivial in comparison with the anti-Megarian legislation which followed:

ἐντεῦθεν ὀργῇ Περικλῆς οὐλύμπιος  
 ἐτίθει νόμους<sup>4</sup> ὥσπερ σκόλια γεγραμμένους,  
 ὡς χρὴ Μεγαρέας μήτε γῇ μήτ' ἐν ἀγορᾷ  
 μήτ' ἐν θαλάττῃ μήτ' ἐν οὐρανῷ μένειν.

Infringements of customs laws were dealt with by means of *φάσις*.<sup>5</sup> The property involved was sold and the informer received one half of the proceeds. This is precisely what happened in the case of Megarian offenders. The situation described in lines 515-23 can be quite satisfactorily explained without assuming special legislation. Indeed, much of the effectiveness of the attack on Pericles is lost if he merely put through additional legislation.

<sup>1</sup> When the Megarian (ll. 820-21) comes to the market of Dicaeopolis and sees the sycophant, he exclaims: "The same old story. Here comes the beginning of our woes." The audience would naturally regard this scene as an illustration of ll. 515-23.

<sup>2</sup> Thieme believes there was no special law, but sees no support for his view in this statement which he regards as a comic exaggeration.

<sup>3</sup> In a subsequent scene (l. 900) the Boeotian asks in exchange for his wares something peculiar to Athens, ὅ τι γ' ἔστ' Ἀθάναις, ἐν Βοιωτοῖσιν δὲ μὴ, i.e., something ἐπιχώριον in Athens, a sycophant.

<sup>4</sup> There is no significance in the plural *νόμους*; a few lines below the same legislation is described as τὸ ψήφισμα, τὸ διὰ τὰς λαϊκαστρίας. Thieme thinks the plural refers to the different sections of the law. It is mere exaggeration.

<sup>5</sup> Cf. Lipsius, *Das attische Recht*, p. 310.

The decree of Charinus as reported by Plutarch<sup>1</sup> provided for (a) truceless war against Megara, (b) semi-annual invasions, (c) the exclusion of Megarians from Attica on pain of death, (d) the burial of the herald Anthemocritus at the Thriasian gate. Holzapfel<sup>2</sup> argued that the decree was spurious because, while the exclusion could only have been decreed during peace, other provisions are war measures. He believed that this is really the Periclean decree excluding Megarians from the market of Attica and the ports of the empire. At a later time someone added to the original decree provisions to explain the semi-annual invasions, and intensified the exclusion clause on the basis of the vigorous language of Aristophanes (*Acharnians* 533-34). This theory was not received with much favor. The prevailing view now is that the Charinus decree is distinct from the exclusion decree and was passed at the instance of Pericles between the attack on Plataea and the invasion of Attica.<sup>3</sup>

Thieme has revived Holzapfel's theory and attempted to prove that the clause which forbade Megarians on pain of death to set foot on Attic soil could not have been in force when the *Acharnians* was produced (424 B.C.) because the sycophant denounces the Megarian and his goods as of enemy origin<sup>4</sup> exactly as the second sycophant does in the case of the Boeotian, instead of haling him off to death under the law of Charinus. Moreover, such a proceeding would in Thieme's opinion have reached the height of comic humor.<sup>5</sup> If regular legal procedure is to be insisted upon it may be pointed out that in real life *φάσις* would certainly not be the normal procedure to be adopted in the case of the Boeotian, an enemy alien found within the gates. But naturally in both cases the sycophant chose the

<sup>1</sup> *Pericles* xxx. 2: ἄσπονδον μὲν εἶναι καὶ ἀκήρυκτον ἔχθραν, ὃς δ' ἂν ἐπιβῇ τῆς Ἀττικῆς Μεγαρέων θανάτῳ ζημιοῦσθαι.

<sup>2</sup> *Griechische Geschichte* 489-413, pp. 176 ff.; *Berliner Studien*, VII, 89 ff.

<sup>3</sup> Cf. Busolt, *op. cit.*, III, 2, p. 814, n. 4.

<sup>4</sup> τὰ χοιρίδια τοῖνυν ἐγὼ φανῶ ταδί  
πολέμια καὶ σέ. [*Achar.* 818 f.]  
. . . ἐγὼ τοῖνυν ὁδὶ  
φαίνω πολέμια ταυταγί.

καὶ σέ γε φανῶ πρὸς τοῖσδε. [*Ibid.*, 911 f.]

<sup>5</sup> "Nam summa vi comica hos versus instruxisset si Megarensem . . . morte multatum iri significasset ob id solum quod intravit Atticam."—*Op. cit.*, p. 42.

more lucrative process in preference to summary arrest (*ἀπαγωγή*). He would share in the confiscated property to the extent of one half; but the death of the poor, starved Megarian would have profited him nothing. Aristophanes was not primarily concerned with the realities of the situation he imagined; he was interested first and foremost in amusing his audience. And I fancy most of his readers will be thankful that he did not indulge in the type of humor which Thieme approves.

Thieme develops the suggestion of Holzapfel that part of the Charinus decree might have been drawn from Aristophanes:

Sed quae de implacabili bello et de necandis iis Megarensibus legimus, qui intraverint Atticam, idem Holzapfel iam diu recte intellexit fortasse nata esse, si quis perperam explicavit Aristophanis Acharensium haec verba

. . . . μήτε γῇ μήτ' ἐν ἀγορᾷ  
μήτ' ἐν θαλάττῃ μήτ' ἐν οὐρανῷ μένειν.

It is impossible to treat seriously a suggestion that any Athenian could have misunderstood the exuberant exaggeration of the comedian even if he did not catch the echo of Timocreon's<sup>1</sup> popular drinking-song:

ὦφελέν σ', ὦ τυφλὲ Πλοῦτε,  
μήτε γῇ μήτ' ἐν θαλάσσῃ  
μήτ' ἐν οὐρανῷ φανῆμεν,  
ἀλλὰ Ταρταρόν τε ναίειν  
καὶ Ἀχέροντα· διὰ σέ γὰρ πάντ'  
ἔστ' ἐν ἀνθρώποις κακά.

The text of the exclusion decree has not been preserved, but Thucydides is in all probability quoting from it when he says the Megarians were ordered *μὴ χρῆσθαι τοῖς λιμέσι τοῖς ἐν τῇ Ἀθηναίων ἀρχῇ μηδὲ τῇ Ἀττικῇ ἀγορᾷ* (i. 139). They were not even allowed to enter the ports for any purpose. The effect of this provision was literally to close the Aegean to them, for without a single friendly port in the islands or littoral the Megarians could not venture far afield; they would be confined to coasting voyages about the Peloponnesus. Pseudo-Xenophon<sup>2</sup> is right when he says that those who oppose Athens *οὐ χρήσονται τῇ θαλάττῃ*.

<sup>1</sup> Scholiast on *Acharnians* 532.

<sup>2</sup> *Polity of the Athenians* ii. 12; cf. Thuc. iii. 6: καὶ τῆς μὲν θαλάσσης εἶργον μὴ χρῆσθαι τοὺς Μυτιληναίους.

The ostensible reason for this stringent decree was that the Megarians had "harbored runaway slaves and cultivated sacred and disputed land."<sup>1</sup> But the real purpose was to coerce them into joining the Athenian empire again.<sup>2</sup> A passage in Isocrates (viii. 36) contains a clear statement of the policy back of the Megarian decrees. Complaining of the activities of pernicious politicians who accept bribes to stir up war, he says: "They have the assurance to tell us that we ought to imitate our ancestors and not permit those who are unwilling to pay tribute to sail the seas." Isocrates certainly has the Megarian policy in mind when he inquires: "Are these men advising us to imitate those who controlled the city before the Decelean War? If so, they are advising us to run the risk of annihilation." The continuous military and diplomatic<sup>3</sup> efforts of Athens against Megara throughout the Ten Years' War show that she was pursuing a definite policy of annexation. In the peace conference at the end of the *Lysistrata* (l. 1170), produced in 411, the Athenian demand for *τὰ Μεγαρικὰ σκέλη* is a malicious reference to this persistent but now wholly unrealizable war aim to which Aristophanes had always been opposed.

The Megarians claimed that their exclusion from the Attic market and the ports of the empire was contrary to the Thirty Years' Truce; Pericles denied their contention categorically. Krüger<sup>4</sup> believes that the Megarians had in mind a specific

<sup>1</sup> Thuc. i. 139.

<sup>2</sup> Grundy, *op. cit.*, p. 78, 5: "To a state situated as Megara the decree meant starvation; to her colleagues in the Peloponnesian league it meant that Athens aimed at getting control of the isthmus by forcing Megara into submission."

<sup>3</sup> The close blockade by a squadron based on Salamis (Thuc. ii. 93); the semi-annual invasions; the capture of Nicaea, the Aegean port of Megara; the major offensive in 424-423; the demand for both ports in the abortive peace negotiations of 425; and the retention of Nicaea according to the terms of the peace of Nicias. An interesting example of the use of economic pressure to secure political results occurs in our own history. It was expected that the withdrawal from the reciprocity treaty with Great Britain in 1865 would force Canada to join the Union.

<sup>4</sup> *Historisch-philologische Studien*, p. 195. Busolt (*op. cit.*, III, 2, p. 833, n. 1) gives the views of the other historians. He himself goes so far as to maintain that the treaty contained a provision guaranteeing "freien Handelsverkehr" (III, 1, 437). Grundy (*op. cit.*, p. 325) says: "There seems to have been a clause in the Thirty Years' Peace of 446 which stipulated for free access to the Athenian market for states of the Peloponnesian League." In support of this position he cites only the Megarian claim that their treatment was contrary to the treaty.

provision covering this point and accounts for Pericles' position by supposing that the provision was indefinite, "eine Bestimmung, vielleicht nur eine ganz allgemeine, z.B. die, dass in Beziehung auf diesen Punkt das sonst in Friedenszeiten unter den Hellenen übliche Völkerrecht Geltung haben sollte." In support of this view he cites Plutarch's statement that the Megarians claimed that their exclusion was *παρὰ τὰ κοινὰ δίκαια καὶ τοὺς γεγενημένους ὅρκους τοῖς Ἕλλησιν*.<sup>1</sup> It is strange that no clause of this character is found in other treaties of the period. Thucydides gives the text of three treaties.<sup>2</sup> Not one of them contains a clause even remotely resembling the provision assumed by Krüger. Another objection to this theory lies in the Spartan *ξενηλασία*. In the Athenian assembly Pericles rejects the Megarian claim, saying: "We will permit the Megarians to use our market and harbors if the Lacedaemonians on their part will cease putting in force their alien exclusion act in the case of us and our allies (for nothing in the treaty forbids either our action or theirs) (i. 144, Smith's translation). A statement of Xenophon<sup>3</sup> seems to indicate that the law had fallen into desuetude, and there are indications that it was not rigorously enforced. It was rather in the nature of a police regulation used by the Ephors at their discretion to rid the city of undesirable aliens. At any rate, the Athenian populace believed that the law was in full force.<sup>4</sup> And the tone of Pericles' reference to it in the funeral oration (ii. 39) suggests a measure of resentment: "We throw open our city to the whole world and never by deportations debar anyone from learning and seeing anything." Under these circumstances it is beyond belief that the Athenians consented to a provision which could be construed as a guaranty of "gegenseitigen Verkehr der Hauptstaaten" without reciprocity on the part of Sparta.

<sup>1</sup> *Pericles* xxix.

<sup>2</sup> The Peace of Nicias, Thuc. v. 18 ff.; the Athenian, Argive, and Mantinean alliance, v. 47; the Argive and Spartan Peace, v. 79. A clause in the Peace of Nicias guarantees to all the right to visit the common temples by sea and land.

<sup>3</sup> *Const. of Sparta* xiv. 2. See Daremberg et Saglio, *Dictionnaire des antiquités*, *ξενηλασία*.

<sup>4</sup> Aristophanes *Birds* 1014.



An Athenian decree<sup>1</sup> of the year 428 discloses a situation which has several features in common with the Megarian dispute. Perdiccas, king of Macedonia, had excluded the people of Methone from Macedonia and set limits to their coastwise sailing. As Perdiccas was in alliance with Athens, and Methone was a subject city, Athens undertook to mediate and sent an embassy εἰπεῖν Περδίκκῃ, ὅτι δοκεῖ δίκαιον εἶναι ἔαν Μεθωναίους τῇ θαλάττῃ χρῆσθαι, μηδὲ ἐχσεῖναι ὀρίσασθαι, καὶ ἔαν εἰσεμπορεύεσθαι καθάπερ τέως ἐς τὴν χώραν. The Athenians base their protest on exactly the same grounds as do the Megarians. The action of Perdiccas is not δίκαιον, i.e., it is παρὰ τὰ κοινὰ δίκαια, "contrary to common justice." Consequently there is no need to assume a provision in the treaty as a basis for the protest. Anybody who had a grievance against a neighbor could make it. No one would think of stipulating in a treaty the observance of τὰ κοινὰ δίκαια or τὸ καθεστὸς τοῖς Ἕλλησι νόμιμον (Thuc. iii. 9.)

There is, however, a sense in which the policy of Athens was a violation of the treaty. It is known that in the Thirty Years' Truce as in the other treaties of the period there was a clause requiring the contracting parties to submit their differences to arbitration. In accordance with this provision Athens should have arbitrated her alleged grievances against Megara instead of resorting to reprisals. There is no evidence that the Megarians ever formulated their protest with reference to this particular clause. If they did, Pericles must have evaded the issue by wilfully misunderstanding the Megarian point of view and obscuring it in the Athenian assembly by comparing it with the Spartan exclusion act.

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<sup>1</sup> CIA, I, 40; Hicks and Hill, *Greek Historical Inscriptions*, No. 60, ll. 18 ff.